

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YEHUDA KATZ,	:	
Individually and on behalf of a class,	:	Case No. 12 Civ. 4173 (ENV)(RER)
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
ABP CORPORATION and DOES 1-10,	:	
	:	
Defendant.	:	
-----X	:	

**DECLARATION OF BRYANT T. LAMER, ESQ.
IN SUPPORT OF MOTION TO BE APPOINTED CO-CLASS COUNSEL**

Bryant T. Lamer, an attorney admitted to practice before this Court, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney duly admitted to practice law in the States of Illinois, Kansas, and Missouri. I am counsel of record for Plaintiff, Yehuda Katz and, as such, I am familiar with all of the facts set forth herein and state them to be true. I submit this affidavit in support of Plaintiff's Unopposed Motion for Preliminary Class Certification, my appointment as co-Class Counsel, and other relief.

2. I have been admitted to practice law before the United States District Courts for the Northern District of Illinois, the Southern District of Illinois, the Western District of Missouri, and the District of Kansas. I am also admitted to practice law before the United States Court of Appeals for the Seventh and Tenth Circuits.

3. My license to practice law has never been suspended or revoked by the State of New York or by any court. There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

4. I began my career in private practice at Sidley Austin Brown & Wood's Chicago office, then moved to Spencer Fane Britt & Browne's Kansas City, Missouri office. I am currently licensed and actively practices law in the state and federal courts of Missouri, Kansas and Illinois.

5. In connection with my foregoing legal work experience, I have worked on a variety of complex commercial and consumer matters.

6. I am now, and have been, involved in actions brought as individual claims as well as class actions. My cases have been filed in the District of Kansas, District of Nebraska, the Western District of Missouri, the Southern District of Iowa, the District of Minnesota and the Eastern and Southern Districts of New York.

7. I have been certified to act as sole class counsel in the class action lawsuits in cases attached as Exhibit A to this Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2014



Bryant T. Lamer

EXHIBIT A

REPRESENTATIVE CASES

Mr. Lamer has been involved in numerous class actions including:

- *Galloway v. The Kansas City Landsmen, L.L.C. et al.* (U.S. District Court-Western District of Missouri, 4:11-cv-01020-DGK; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Batchelder, et al. v. Palmer's Holdings and Investments, Inc. d/b/a Palmer's Deli & Market* (U.S. District Court-Southern District of Iowa, 4:11-CV-00259; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Brady Keith, et al. vs. Back Yard Burgers of Nebraska, Inc., et al.* (U.S. District Court-Nebraska, 8:11-cv-00135; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Randall Curtis and Tina Beasley v. William Clark, et al.* (U.S. District Court-Western District of Arkansas, 5:06-BK-71391, 2006). Defendant's counsel in class action regarding mortgage interest charge settlement payments.
- *Gregory Joseph Perry v. Babin et al.* (U.S. District Court-Western District of Arkansas, 5:04-BK-70461, 2004). Defendant's counsel in class action regarding mortgage interest charge settlement payments.
- *Ann Muniz v. Rexnord Corp., et al.* (U.S. District Court-Northern District of Illinois, 04-C-2405, 2004). Defendant's counsel in class action alleging property contamination.
- *Mejdrech v. Met-Coil* (United States District Court-Northern District of Illinois, 01-C-6107, 2001). Defendant's counsel in class action alleging property contamination.
- *Teresa LeClerq v. The Lockformer Company* (United States District Court-Northern District of Illinois, 00-C-7164, 2000). Defendant's counsel in class action alleging property contamination.
- *Michael Jones et al v. Dickinson Theatres, Inc. et al.* (United States District Court – District of Kansas, 11-cv-02472-JTM-KGG, 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Beson v. Park Nicollet Health Services, et al.* (U.S. District Court for the District of Minnesota, Case No. 12-cv-02171 ADM/JJK; 2012). Plaintiff's counsel in FACTA class action.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Individually and on behalf of a class,	:	Case No. 12 Civ. 4173 (ENV)(RER)
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Plaintiff,	:	
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-against-	:	
	:	
ABP CORPORATION and DOES 1-10,	:	
	:	
Defendant.	:	
-----X	:	

**DECLARATION OF JOSHUA C. DICKINSON, ESQ.
IN SUPPORT OF MOTION TO BE APPOINTED CO-CLASS COUNSEL**

Joshua C. Dickinson, an attorney admitted to practice before this Court, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney duly admitted to practice law in the States of Missouri, Kansas, Nebraska and Iowa. I am admitted pro hac vice before this Court as counsel of record for Plaintiff, Yehuda Katz and, and as such, I am familiar with all of the facts set forth herein and state them to be true. I submit this affidavit in support of Plaintiff's Unopposed Motion for Preliminary Class Certification, my appointment as co-Class Counsel, and other relief.

2. Among other courts in which I have been admitted pro hac vice, I have been admitted to full time practice of law before the United States District Courts for the Eastern and Western Districts of Missouri, Northern and Southern Districts of Iowa, the District of Colorado, and the District of Kansas. I am also admitted to practice law before the United States Court of Appeals for the Eighth and Tenth Circuit.

3. My license to practice law has never been suspended or revoked for conduct or disciplinary reasons by the State of New York or by any court. There are no disciplinary

proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

4. I began my career in private practice at Spencer Fane's Kansas City, Missouri office. After six years in Kansas City, I joined Spencer Fane's office in Omaha, Nebraska. I am currently licensed and actively practices law in the state and federal courts of Missouri, Kansas, Nebraska, and Iowa.

5. Immediately prior to joining Spencer Fane, I was a Law Clerk for the Honorable Gary A. Fenner, United States District Court Judge for the Western District of Missouri in Kansas City, Missouri.

6. In connection with my foregoing legal work experience, I have worked on a variety of complex commercial and consumer matters.

7. I am now, and have been, involved in actions brought as putative class actions under FACTA. I have been designated as class counsel in such cases having been filed in the District of Kansas, District of Minnesota, the Western District of Missouri, and the Southern District of Iowa. I am also proposed class counsel in the Eastern (this case) and Southern Districts of New York as well as the District of Nebraska.

8. Attached as Exhibit A to this Declaration is list of class action cases in which I have appeared as both defense and plaintiff's counsel. The majority of these cases I have acted as lead counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2014


Joshua C. Dickinson

EXHIBIT A

REPRESENTATIVE CASES

In his role as outside counsel and as lead in-house counsel Mr. Dickinson has been involved in numerous class actions including:

- *Cavalry Investments, LLC v. Brian Cook* (Circuit Court of Boone County, Missouri, 12BA-CV03134; 2014). Co-lead counsel in defending class action counterclaim in FDCPA lawsuit.
- *Jessica Jones v. Credit Control, LLC, et al.* (Circuit Court of St. Louis County, Missouri, 13SL-CC03223; 2013). Defense counsel in TCPA class action lawsuit.
- *Walter Henningsen v. Cavalry SPV I, LLC, et al.* (U.S. District Court-Western District of Missouri, 6:13-cv-03409; 2013). Local counsel in defending FDCPA class action lawsuit.
- *Rosetta Jennings, et al. v. Bonus Building Care, Inc.* (U.S. District Court-Western District of Missouri, 4:13-cv-00663; 2013). Local counsel in defending RICO class action lawsuit.
- *Kirby Amos v. Encore Receivable Management, Inc.* (U.S. District Court-Eastern District of Missouri, 4:13-cv-01586; 2013). Local counsel in defending FDCPA class action lawsuit.
- *Renee Bjorn v. Jerry Erwin Associates, Inc., et al.* (U.S. District Court-District of Kansas, 2:13-cv-02419; 2013). Local counsel in defending FLSA collective action lawsuit.
- *Malena Hinten, et al. v. Midland Funding, LLC.* (U.S. District Court-Eastern District of Missouri, 2:13-cv-00054; 2013). Defense counsel in FDCPA class action lawsuit.
- *Ladon Schmidt v. Encore Receivable Management, Inc.* (U.S. District Court-Eastern District of Missouri, 4:13-cv-01090; 2013). Local counsel in defending FDCPA class action lawsuit.
- *Lisa Birge, et al. v. Aaron Smeall, et al.* (U.S. District Court-Nebraska, 8:13-cv-00136; 2013). Defense counsel in FDCPA class action lawsuit.
- *Ashley Kircher v. Apelles, L.L.C.* (U.S. District Court-Eastern District of Missouri, 4:13-cv-00892; 2013). Local counsel in defending FDCPA class action lawsuit.
- *Monique Andrade v. Capital Management Services, L.P.* (U.S. District Court-Eastern District of Missouri, 4:13-cv-01276; 2013). Defense counsel in FDCPA class action lawsuit.
- *American Tile and Marble Co., et al. v. All Granite & Marble Corp.* (U.S. District Court-Nebraska, 8:13-cv-00089; 2013). Defense counsel in TCPA class action lawsuit.
- *Jan Adamson v. Check Plus Systems, L.P. d/b/a CPS Security* (U.S. District Court-Eastern District of Missouri, 4:13-cv-00686; 2013). Local counsel in defending FDCPA and TCPA class action lawsuit.

- *Brenda Stewart, et al. v. Firstsource Advantage, LLC* (U.S. District Court-Eastern District of Missouri; 4:13-cv-00271; 2013). Defense counsel in FDCPA class action lawsuit.
- *Lisa Birge, et al. v. Brumbaugh & Quandahl, P.C., LLO, et al.* (U.S. District Court-Nebraska; 8:13-cv-00008; 2013). Defense counsel in FDCPA class action lawsuit.
- *Jenny Brown, et al. v. Torres Credit Services, Inc., et al.* (U.S. District Court-Eastern District of Missouri, 4:12-cv-01906; 2012). Defense counsel in TCPA class action lawsuit.
- *Jamison Brummel, et al. v. Progressive Financial Services, Inc.* (U.S. District Court-Kansas, 2:12-cv-02544; 2012). Defense counsel in TCPA class action lawsuit.
- *Resurgent Capital Services LP v. Michael Thomason* (Circuit Court of Polk County, Kansas, 12PO-AC00339; 2012). Counsel to collection law firm and debt buyer in FDCPA class action counterclaim.
- *Andrew Beson v. Park Nicollet Health Services, et al.* (U.S. District Court-District of Minnesota, 0:12-cv-02171; 2012). Plaintiffs' counsel in FACTA class action lawsuit.
- *Shawn Wood, et al. v. Virtuoso Sourcing, LLC, et al.* (U.S. District Court-Kansas, 2:11-cv-02691; 2011). Defense counsel in FDCPA and TCPA class action lawsuit.
- *John Galloway v. The Kansas City Landsmen LLC, et al.* (U.S. District Court-Western District of Missouri, 4:11-cv-01020; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Gemini Capital Group, LLC v. Jason Barton, et al.* (Circuit Court of Greene County, Missouri, 1131-CV02497; 2011). Counsel to collection agency in FDCPA class action counterclaim.
- *Gemini Capital Group, LLC v. Thomas Graves, et al.* (Circuit Court of Greene County, Missouri, 1231-CV13738; 2011). Counsel to collection agency in FDCPA class action counterclaim.
- *Marcia Edwards v. Anthony A. Petrocchi d/b/a Anthony A. Petrocchi, P.C.* (U.S. District Court-Eastern District of New York, 1:11-cv-04640; 2011). Lead counsel in defending FDCPA class action lawsuit.
- *Samuel Stewart, et al. v. Vion Holdings LLC and Gamache & Myers, P.C.* (U.S. District Court-Western District of Missouri, 4:11-cv-00671; 2011). Counsel defending FDCPA class action lawsuit. (U.S. District Court-Eastern District of New York, 1:11-cv-04640; 2011). Lead counsel in defending FDCPA class action lawsuit. (U.S. District Court-Western District of Missouri, 4:11-cv-00671; 2011). Counsel defending FDCPA class action lawsuit.

- *David Michael Batchelder, et al. vs. Palmer's Food Company, Inc. d/b/a Palmer's Deli & Market, et al.* (U.S. District Court-Northern District of Iowa, 4:11-cv-00259; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Brady Keith, et al. vs. Back Yard Burgers of Nebraska, Inc., et al.* (U.S. District Court-Nebraska, 8:11-cv-00135; 2011). Plaintiffs' counsel in FACTA class action lawsuit.
- *Gemini Capital Group, LLC v. Daniel Tripp, et al.* (Circuit Court of Greene County, Missouri, 1031-CV13263; 2010). Counsel to collection agency in FDCPA class action counterclaim.
- *Rachel Curnal, et al. vs. LVNV Funding LLC* (U.S. District Court-Kansas, 2:10-cv-02610; 2010). Lead counsel in defending FDCPA class action lawsuit.
- *Randy Waterman, et al. vs. GCC Alliance Concrete, Inc., et al.* (U.S. District Court-Northern District of Iowa, 5:10-cv-04038; 2010). Co-lead counsel in defending anti-trust lawsuit against concrete company accused of price fixing.
- *Darlene Garrett, et al. vs. Regent Asset Management Solutions, Inc., et al.* (U.S. District Court-Northern District of Ohio, 1:10-cv-00566; 2010). Lead counsel in defending' FDCPA class action lawsuit.
- *Jeff Veerhussen, et al. vs. Capital Management Services, LP, et al.* (U.S. District Court-Nebraska, 8:09-cv-00354; 2009). Local counsel in defending FDCPA class action lawsuit.
- *Nathanial Johnson, et al. vs. Law Offices of Brachfeld & Associates, et al.* (U.S. District Court-Nebraska, 8:09-cv-00336; 2009). Local counsel in defending FDCPA class action lawsuit.
- *Jason Szabo, et al. vs. Regent Asset Management Solutions* (U.S. District Court-Minnesota, 0:09-cv-03463; 2009). Lead counsel in defending FDCPA class action lawsuit.
- *Miranda Blodgett, et al. vs. Regent Asset Management Solutions, Inc. et al.* (U.S. District Court-Minnesota, 0:09-cv-03210; 2009). Lead counsel in defending FDCPA class action lawsuit.
- *Edward Morgan, et al. vs. Dennis Scott Carruthers, et al.* (U.S. District Court-Southern District of Ohio, 2:09-cv-00750; 2009). Lead counsel in defending FDCPA class action lawsuit.
- *Laraine Harris, et al. vs. D. Scott Carruthers & Assoc., et al.* (U.S. District Court-Nebraska, 8:09-cv-00154; 2009). Lead counsel in defending FDCPA class action lawsuit.
- *Edward J. Nazar, et al. vs. Wolpoff & Abramson LLP* (U.S. District Court-Kansas, 2:07-cv-02025; 2007). Co-lead counsel in defending FDCPA class action lawsuit.

- *Robert Lavender, et al. vs. Wolpoff & Abramson, LLP, et al.* (U.S. District Court-Western District of Missouri, 4:07-cv-00015; 2007). Co-lead counsel in defending FDCPA class action lawsuit.
- *Isabelle Auffert, et al. vs. Wolpoff Abramson, L.L.P.* (Circuit Court of Jackson County, Missouri, 0516-CV26608; 2005). Co-lead counsel in defending FDCPA class action lawsuit.
- *New Century Health Quality Alliance, et al. vs. Blue Cross and Blue Shield of Kansas City, Inc., et al.* (U.S. District Court- Western District of Missouri, 4:05-cv-00555; 2005). Counsel for national insurance company accused of anti-trust and other business torts.
- *James Mirabile, M.D., et al. vs. Blue Cross Blue Shield of Kansas City, et al.* (District Court of Wyandotte County, Kansas, 05CV000307; 2005). Counsel for national insurance company accused of anti-trust and other business torts.
- *Gary and Kathy Henry, et al. vs. The Dow Chemical Company* (Circuit Court of Saginaw County, Michigan, 03-47775; 2003). Plaintiffs' counsel in class action on behalf of land owners whose property was allegedly contaminated due to negligent intrusion of dioxin.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YEHUDA KATZ,	:	
Individually and on behalf of a class,	:	Case No. 12 Civ. 4173 (ENV)(RER)
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Plaintiff,	:	
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-against-	:	
	:	
ABP CORPORATION and DOES 1-10,	:	
	:	
Defendant.	:	
-----X	:	

DECLARATION OF ROBERT L. LASH, ESQ.
IN SUPPORT OF MOTION TO BE APPOINTED CO-CLASS COUNSEL

Robert L. Lash, an attorney admitted to practice before this Court, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney associated with Herzfeld & Rubin, P.C. ("Herzfeld & Rubin"), co-counsel for Plaintiff in this matter. I have personal knowledge of the facts stated herein.
2. I submit this affidavit in support of Plaintiff's Unopposed Motion for Preliminary Class Certification, my appointment as co-Class Counsel, and other relief.
3. Herzfeld & Rubin has been at the forefront class action litigation for decades, having successfully served as both class counsel and counsel for defendants in many putative and certified class actions nationwide. Herzfeld & Rubin's class action expertise includes claims of products liability, antitrust, state and federal regulatory matters, consumer laws, warranty and tort claims, commercial claims, employment related claims, as well as international and transnational law as applied in the U.S. under the Alien Tort Claims Act and similar statutes and doctrines.

4. Personally, I am a 1992 graduate of Cornell University, with a B.S. degree in Industrial and Labor Relations and a 1996 graduate of the University of Michigan Law School.

5. I am admitted to practice in New York, California, and Pennsylvania (currently inactive), as well as all Federal courts in New York and California and the U.S. Courts of Appeal for the Second and Ninth Circuits. I have been admitted to practice *pro hac vice* in state and federal courts in Delaware, Florida, Illinois, West Virginia and Utah. My license to practice law has never been revoked and I have never been subject to any disciplinary proceedings.

6. In my approximately 18 years of practice, I have represented plaintiffs and defendants nationwide in complex commercial, consumer, professional malpractice, products liability, and other disputes, serving as lead trial counsel in jury and bench trials and as appellate counsel. On behalf of plaintiffs, I have obtained settlements, awards and judgments totaling over \$20 million.

7. I have been counsel in numerous cases involving consumer protection statutes, including the Fair and Accurate Credit Transactions Act ("FACTA"), the Fair Credit Reporting Act ("FCRA"), Fair Debt Collection Practices Act ("FDCPA"), Real Estate Settlement Procedures Act ("RESPA"), Expedited Funds Availability Act ("EFAA"), Electronic Fund Transfer Act ("EFTA"), as well as state deceptive practices acts and other consumer protection laws.

8. I also have served as counsel in several class actions, including *Saunders v. First Priority Mortgage, Inc.*, U.S.D.C., W.D.N.Y. Case No. 06-CV-586S and *Webster v. Nat'l Fuel Gas Supply Corp.*, U.S.D.C., W.D.N.Y. Case No. 06-4928-cv; and I have represented class members in *Denney v. Jenkins & Gilchrist*, U.S.D.C., S.D.N.Y. Case No. 03 Civ. 5460(SAS) and Enron-related litigation, as well as in class arbitration.

9. I will faithfully and vigorously represent the class in this matter, in which I played a significant role in negotiating and drafting the Settlement Agreement and related papers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2014



Robert L. Lash

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YEHUDA KATZ,	:
Individually and on behalf of a class,	:
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Plaintiff,	:
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-against-	:
	:
ABP CORPORATION and DOES 1-10,	:
	:
Defendant.	:
-----X	

Case No. 12 Civ. 4173 (ENV)(RER)

DECLARATION OF SHIMSHON WEXLER, ESQ.
IN SUPPORT OF MOTION TO BE APPOINTED CO-CLASS COUNSEL

Shimshon Wexler, an attorney admitted to practice before this Court, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney duly admitted to practice law in the State of New York and the Bar of this Court. I am counsel of record for Plaintiff, Yehuda Katz and, as such, I am familiar with all of the facts set forth herein and state them to be true. I submit this affidavit in support of Plaintiff's Unopposed Motion for Preliminary Class Certification, my appointment as co-Class Counsel, and other relief.

2. I have been admitted to practice law in the State of New York since 2010 and have remained a member in good standing since that time. I am also admitted to practice law before the United States District Courts for the Eastern District of New York, Southern District of New York, Northern District of New York and Western District of New York. I am also admitted to practice before the bar of the Northern District of Florida. I am also admitted to practice law before the United States Court of Appeals for the Second Circuit.

3. My license to practice law has never been suspended or revoked by the State of

New York or by any court. There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

4. I received my bachelor's degree from Touro College in 2003 and graduated from New York Law School in 2009.

5. Just following and prior to my graduation from law school and admission to the New York bar I worked as a paralegal and attorney for the law firm of Herzfeld & Rubin, PC.

6. In connection with my foregoing legal work experience, I have worked on a variety of complex commercial and consumer matters.

7. Since leaving Herzfeld & Rubin, PC in late 2010, I have been engaged as a solo practitioner and have a growing practice representing consumers on claims under the Fair Debt Collection Practices Act, 15 U.S.C. §§1692, *et seq.* ("FDCPA"), the Electronic Funds Transfer Act 15 U.S.C. §§1693, *et seq.*, and the Fair Credit Reporting Act 15 U.S.C. §§1681, *et seq.*

8. I am now, and have been, involved in actions brought as individual claims as well as class actions. My cases have been filed in the Eastern District of New York, Western District of New York and the Southern District of New York.

9. I have been certified to act as sole class counsel in the FDCPA class action lawsuit of *Gonzalez v. Relin, Goldstein & Crane, LLP*, U.S. District Court, S.D.N.Y. Case No. 12-cv-783-ER and the Electronic Funds Transfer Act lawsuit of *Fried v. The Bank of Castile*, U.S. District Court, W.D.N.Y. Case No. 12-cv-624-WMS. I have also been certified as class co-counsel in the FDCPA class action of *Burton v. Nations Recovery Center, Inc.*, US District Court, E.D.N.Y. Case No. 13-cv-1426-BMC.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2014



Shimshon Wexler